IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

CONTEMPT PETITION NO.382 OF 2005

Shoa Wiqar Shaikh. ...
Petitioner.

Vs.

State of Maharashtra & Ors. ...Respondents

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Mrs.S. S. Gokhale for the Petitioner.
Ms. R. V. Govilkar for Respondent No.2.

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CORAM : DR. D.Y. CHANDRACHUD, J.

December 22, 2005.

P.C.:

Despite the order passed by the Division Bench on 1st April 2005 and a subsequent order dated 28th June 2005, the Caste Scrutiny Committee has not decided the caste claim of the Petitioner. In the meantime, the Petitioner has been informed by the Dean of the Nair Hospital that unless the Petitioner submits a Caste Validity Certificate by 31st December 2005, the admission of the Petitioner would be cancelled in view of a letter which has been received from the Maharashtra University of Health Sciences on 5th October 2005. Mr.Govilkar appearing on behalf of the University states that the University has sent a general communication in respect of all such similarly placed candidates.

With a view to obviate any hardship to the student, it has been submitted on behalf of the University that this Court may direct the Scrutiny Committee now to positively dispose of the caste claim within a period of four weeks and that the University in such a case has no objection to the Court protecting the admission of the Petitioner, subject to this not creating equity in favour of the Petitioner should her caste claim is rejected. The Learned AGP has appeared before the Court on behalf of the State Government. The AGP states that he shall communicate to the Scrutiny Committee that the Scrutiny Committee should in any event take a decision within four weeks. Mr.Govilkar for the University assures the Court that subject to the continuance of the admission of the Petitioner not creating equity in favour of the Petitioner should her caste claim be rejected, the admission of the Petitioner shall not be disturbed for a period of three months. The Petitioner shall place on the record of these proceedings a statement upon the expiry of four weeks setting out as to whether the caste claim has been decided. Liberty to the Petitioner to move the Court in the event the caste claim is not decided within the stipulated period. The Petition is disposed of in the above terms.

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